

TO: Richard Neifeld COMPANY

Data Verified 12/21/2006 BMR

RAN: Attorney Review of Fax sent 12/21/2006: 12/26/2006

RAN: EXAMINER INDICATED 12/2006 CASE ABANDONED AGAIN. TAKE REMEDIAL ACTION: 12/29/2006

RAN: EXAMINER INDICATED 12/2006 CASE ABANDONED AGAIN. TAKE REMEDIAL ACTION: 1/14/2007

12/21/2006  
BMR**Patent Technology Centers****Facsimile Transmission****ATTACHMENT 1**

**To:**                      **Name:**                      **Richard Neifeld**  
                              **Company:**  
                              **Fax Number:**                      **7034150013**  
                              **Voice Phone:**

**From:**                      **Name:**                      **Daniel Walsh**  
                              **Official Fax Number:**                      **(571) 273-8300**  
                              **Official After Final Fax Number:**                      **(571) 273-8300**  
                              **Voice Phone:**                      **5712722409**

37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

**Fax Notes:**

RE: US Patent Application No. 09/485,750 ✓  
Docket #: HENN0013UPCT-US ✓

To: Mr. Neifeld  
From: Examiner Walsh (USPTO)

I have attached the Office Action that you did not receive because you did not provide the required information for the revocation in the power of attorney. We have now received your submission of the required information. However, as it is past the 6 months, a notice of abandonment is being mailed out.

Date and time of transmission: Thursday, December 21, 2006 12:04:32 PM

Number of pages including this cover sheet: 09

Application/Control Number: 09/485,750  
Art Unit: 2876

Page 2  
D. Walsh

**DETAILED ACTION**

1. Receipt is acknowledged of the Amendment received on 2 February 2006.

***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-7, drawn to a structure of optically effective diffractive elements, classified in class 235 subclass 492.
  - II. Claims 8-17, drawn to a scanner apparatus classified in class 235, subclass 435.
3. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because it can be read/processed by a different means. The subcombination has separate utility such as scanner for differently structured scanning documents.
4. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Application/Control Number: 09/485,750

Page 3

Art Unit: 2876

D. Walsh

5. Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

6. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

7. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Application/Control Number: 09/485,750  
Art Unit: 2876

Page 4  
D. Walsh

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel I Walsh  
Examiner  
Art Unit 2876  
5-17-06

TO:Richard Neifeld COMPANY:

<b><i>Application Number</i></b>  *09485750*	<b>Application/Control No.</b>  09/485,750	<b>Applicant(s)/Patent under Reexamination</b>  PUTTKAMMER, FRANK	
	<b>Examiner</b>  Daniel I. Walsh	<b>Art Unit</b>  2876	

TO: Richard Neifeld COMPANY:

<b>Index of Claims</b>  <b>*09485750*</b>	<b>Application/Control No.</b>		<b>Applicant(s)/Patent under Reexamination</b>	
	09/485,750		PUTTKAMMER, FRANK	
	<b>Examiner</b>		<b>Art Unit</b>	
	Daniel I. Walsh		2876	

√	Rejected
=	Allowed

—	(Through numeral) Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date							
Final	Original	5/17/06							
	1	+							
	2	+							
	3	+							
	4	+							
	5	+							
	6	+							
	7	+							
	8	+							
	9	+							
	10	+							
	11	+							
	12	+							
	13	+							
	14	+							
	15	+							
	16	+							
	17	+							
	18	-							
	19								
	20								
	21								
	22								
	23								
	24								
	25								
	26								
	27								
	28								
	29								
	30								
	31								
	32								
	33								
	34								
	35								
	36								
	37								
	38								
	39								
	40								
	41								
	42								
	43								
	44								
	45								
	46								
	47								
	48								
	49								
	50								

Claim		Date							
Final	Original								
	51								
	52								
	53								
	54								
	55								
	56								
	57								
	58								
	59								
	60								
	61								
	62								
	63								
	64								
	65								
	66								
	67								
	68								
	69								
	70								
	71								
	72								
	73								
	74								
	75								
	76								
	77								
	78								
	79								
	80								
	81								
	82								
	83								
	84								
	85								
	86								
	87								
	88								
	89								
	90								
	91								
	92								
	93								
	94								
	95								
	96								
	97								
	98								
	99								
	100								

Claim		Date							
Final	Original								
	101								
	102								
	103								
	104								
	105								
	106								
	107								
	108								
	109								
	110								
	111								
	112								
	113								
	114								
	115								
	116								
	117								
	118								
	119								
	120								
	121								
	122								
	123								
	124								
	125								
	126								
	127								
	128								
	129								
	130								
	131								
	132								
	133								
	134								
	135								
	136								
	137								
	138								
	139								
	140								
	141								
	142								
	143								
	144								
	145								
	146								
	147								
	148								
	149								
	150								

Office Action Summary	Application No.	Applicant(s)	
	09/485,750	PUTTKAMMER, FRANK	
	Examiner	Art Unit	
	Daniel I. Walsh	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2006.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-17 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1. ☒ Certified copies of the priority documents have been received.
- 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

TO:Richard Neifeld COMPANY:

Continuation Sheet (PTOL-326)

Application No.

# EXAMINER’S CASE ACTION WORKSHEET

Application No. 09/485,750	*133078601	Legal Instrument Examiner
-------------------------------	------------	---------------------------

CHECK TYPE OF ACTION

DATE OF COUNT

<input type="checkbox"/> Non-Final Rejection	<input checked="" type="checkbox"/> Restriction/Election Only	<input type="checkbox"/> Final Rejection
<input type="checkbox"/> Ex Parte Quayle	<input type="checkbox"/> Allowance	<input type="checkbox"/> Advisory Action
<input type="checkbox"/> Examiner's Answer	<input type="checkbox"/> Reply Brief Noted	<input type="checkbox"/> Non-Entry of Reply Brief
<input type="checkbox"/> Defective Notice of Appeal	<input type="checkbox"/> Interference Disposal SPE _____ (Approval for Disposal)	<input type="checkbox"/> Suspension (Examiner-Initiated) SPE _____ (Initial)
<input type="checkbox"/> Defective Appeal Brief	<input type="checkbox"/> SIR Disposal (use only after FAOM)	<input type="checkbox"/> Supplemental Examiner's Amendment
<input type="checkbox"/> Miscellaneous Office Letter (With Shortened Statutory Period Set)	<input type="checkbox"/> Notice of Non-Responsive Amendment (With One Month Time Period set)	<input type="checkbox"/> Miscellaneous Office Letter (No Response Period Set)
<input type="checkbox"/> Abandonment after BPAI Decision	<input type="checkbox"/> Supplemental Action (excluding Examiner's Answer)	<input type="checkbox"/> Response to Rule 312 Amendment
<input type="checkbox"/> Letter Restarting Period for Response (e.g., Missing References)	<input type="checkbox"/> Interview Summary	<input type="checkbox"/> Authorization to Change Previous Office Action SPE: _____ (Initial)
<input type="checkbox"/> Abandonment	<input type="checkbox"/> Express Abandonment Date: _____	<input type="checkbox"/> Other Specify: _____

Examiner's Name: Daniel I. Walsh

AU: 2876